

REMARKS

Claims 29, 33, 37 and 41-53 are pending in the present application. With entry of this Amendment, Applicant amends claims 29, 33, 37, 41, 45 and 46 and cancels claims 48, 49, 51 and 53. Reexamination and reconsideration are respectfully requested.

Applicant notes with appreciation the indication of allowable subject matter with respect with respect to claims 48, 51 and 53. Applicant has amended claims 29, 33 and 37 to incorporate the recitations of claims 48, 51 and 53 respectively and has canceled claims 48, 51 and 53. Applicant respectfully submits that claims 29, 33 and 37 and their respective dependent claims 47, 50 and 52 are in condition for allowance.

The Examiner rejected the remaining claims 41-46 and 49 under 35 U.S.C. § 103(a) as being unpatentable over Moline et al. (US 5883957) in view of Isozaki (US 5,999,905) or Shioda (US 5,430,243). The rejection is respectfully traversed.

The present invention as set forth in amended claim 41 is directed to a music data processing apparatus connected to an external device via a public communications line. The apparatus receives music data containing first time information from the external device. The apparatus judges whether the received music data is "initial data received from the external device" as recited in amended claim 41 (claim 49 has been correspondingly canceled). If the received music data is the initial data, the first time information is rectified by a predetermined value, and the rectified first time information is set to be the second time information. If the received music data is not the initial data, the first time information is not set as the second time information. In this manner, the apparatus does not have to execute a time adjustment with every received music data. Time adjustment is only executed when the received music data is the initial data received from the external device.

In contrast, Moline does not disclose judging whether the received music data is initial data received from the external device. The Examiner has not cited any section of the references that discloses or suggests the above recitation. The Office Action does note that "Moline teaches

judging whether data is specific” and cites Col. 9, lines 43-46, but this citation does not disclose the above recitation.

Specifically, Col. 9, lines 43-46 refers to Fig. 4, which discloses a standard PC 413 with a browser 429 and a MIDI plugin 431 in its memory 419. The plugin is used to read an inclusion in an HTML page accessed by the browser. As disclosed in Col. 9, lines 43-44, when the browser receives “an inclusion of the type read by the plugin,” the browser activates the plugin. The plugin uses the browser to fetch the inclusion and then reads or plays the inclusion. The inclusion is thus not “initial data” of sequential data received from an external device nor is there any disclosure or suggestion that the receipt of the inclusion is used to set the time information for data processing on the receiver side. Moline accordingly does not disclose or suggest judging “whether said received music data is initial music data received from the external device” as recited in claim 41.

Isozaki and Shinoda does not make up for the deficiencies of Moline. Neither reference discloses receiving music data from an external device via a public communication line and, thus, fail to disclose judging “whether said received music data is initial music data received from the external device.” Accordingly, Applicant respectfully submits that claim 41 and its dependent claims 42-44 are patentable over the cited references, either alone or in combination.

Applicant has similarly amended claims 45 and 46 and, for the reasons set forth above, respectfully submits that these claims are also patentable over the cited references.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 393032003100.

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Respectfully submitted,

By 

Mehran Arjomand

Registration No.: 48,231

MORRISON & FOERSTER LLP

555 West Fifth Street, Suite 3500

Los Angeles, California 90013

(213) 892-5630